

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

SUBJECT: November 5, 2008 minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: November 5, 2008 (Regular Meeting) (tabled from December 3, 2008)

REPORT IN BRIEF: Council minutes from the November 5, 2008 Council meeting.

PREVIOUS ACTIONS: At the November 19, 2008 meeting, Council tabled this item to the December 3, 2008 meeting.

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve

Attachment(s): November 5, 2008 minutes

**TOWN OF DAVIE
REGULAR MEETING
NOVEMBER 5, 2008**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:09 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Luis, Councilmembers Caletka, Crowley and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

A resident of Shenandoah described their Fall Festival, which had been a huge success. She thanked the many individuals and departments for their help. Vice-Mayor Luis presented certificates of appreciation to be distributed to Shenandoah board members.

Judy Paul agreed with Casey Lee regarding the maintenance and improvement of landscaping in medians and parks. Ms. Paul referred to the Liberty Park project and noted that once the contractor took over maintenance, the plantings had seriously deteriorated and she had seen evidence of damage from weed whackers. She remarked that in every area tended by a contractor, there was damage to the plantings. Ms. Paul felt that the Town should include a provision in future landscape maintenance contracts that the contractor would replace any plantings his workers damaged.

Steve Winner, property manager for Black Hawk Ranches, referred to a Special Magistrate case against nuisance trees on the public rights-of-way on Hiatus Road and Orange Drive. He asked Council to consider revising the development order. Mr. Winner stated that the developers had paid the Town to require vacation of the canal and widening of the road, and this included the tree removal. Mr. Winner said, "At some point, there was a deal that was cut that those trees would not be removed because they provided a ... canopy for the bridle path." He said that the Town had missed the opportunity to enforce this when the developer was "on the hook" but now the residents were being asked to take responsibility for these trees. Mr. Winner was especially concerned about two trees at the community entrance he believed to be dangerous. He asked that this be brought through staff again and voted on by Council.

Mr. Shimun said that they would wait for the decision of the Special Magistrate and staff would look at the plans and consult with the Town Attorney to determine where they stood. Mayor Truex was concerned about the possibility that Councilmembers and/or staff might have encouraged someone not to comply with the site plan. Mr. Shimun believed Council had never taken any official action regarding the trees. Mayor Truex requested that staff provide Council with a written history of this issue prior to the Special Magistrate hearing and Mr. Shimun agreed.

Councilmember Starkey remembered that Council had discussed this issue but not voted on it and staff had recommended to her that the issue be allowed to go through the

Special Magistrate process. She recalled that the developer had provided funds that went toward construction of the intersection, not toward maintenance of the trees. Mayor Truex wanted Council to examine this prior to the Special Magistrate hearing to save the residents the possible cost of the hearing and fines.

Councilmember Crowley remembered discussing this a few years ago, when he had favored keeping the trees in place. He acknowledged that the trees near the entrance had now become a hazard.

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, that the trees would remain, except for the two by the entrance that would be removed by the Town. In a voice vote, with Mayor Truex dissenting, all voted in favor. (Motion carried 4-1)

Councilmember Starkey asked about the status of the other trees. Mr. Shimun agreed to research this and provide a report to Council.

Karen Stenzel-Nowicki remarked on the whitefly infestation problem. She suggested some form of outreach to homeowner associations.

Mayor Truex announced staff had requested that item 6.2 be tabled until November 19, 2008.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 6.3 had been withdrawn by the petitioner.

Mayor Truex stated that item 4.21, Green Bus Route, needed to be added.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to add item 4.21. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1 October 1, 2008 (Workshop Meeting)
- 4.2 October 1, 2008 (Regular Meeting)

Business License Tax

- 4.3 BKD Handyman & Remodeling, 2740 SW 154 Lane
- 4.4 Briggs Environmental Laboratory, 11361 Redberry Drive

Resolutions

- 4.5 **SELECTION OF FIRM - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF SOLID RESOURCES, INC. TO PROVIDE EMERGENCY MANAGEMENT AND DISASTER RECOVERY CONSULTING SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.**

- 4.6 **SELECTION OF FIRM - RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF CPZ ARCHITECT, INC. TO DESIGN EMERGENCY GENERATORS FOR ESSENTIAL PUBLIC FACILITIES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.**
- 4.7 **RENEWAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RENEWING AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND DAVID K. SIGERSON, JR. AND ERICKS CONSULTANTS, INC. TO REPRESENT THE TOWN OF DAVIE FOR LEGISLATIVE AND GOVERNMENTAL CONSULTING SERVICES FOR FISCAL YEAR 2007/2008, AND PROVIDING FOR AN EFFECTIVE DATE. (\$38,000/year)**
- 4.8 **RENEWAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RENEWING AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND GRANDE CONSULTING, INC. TO REPRESENT THE TOWN OF DAVIE FOR LEGISLATIVE AND GOVERNMENTAL CONSULTING SERVICES FOR FISCAL YEAR 2008/2009, AND PROVIDING FOR AN EFFECTIVE DATE. (\$38,000/year)**
- 4.9 **CONTRACT AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO THE CONTRACT BETWEEN THE TOWN AND FIRST VEHICLE SERVICES, INC. FOR GARAGE MAINTENANCE OPERATIONS, AND PROVIDING FOR A TARGET BUDGET. (\$66,061)**
- 4.10 **AGREEMENT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A ONE (1) YEAR EXTENSION OF THE CURRENT PROPERTY & CASUALTY PARTICIPATION AGREEMENT WITH THE PREFERRED GOVERNMENTAL INSURANCE TRUST (PGIT) PROVIDING FOR PROPERTY, AUTO LIABILITY, GENERAL LIABILITY, AND WORKERS' COMPENSATION INSURANCE COVERAGES TO BE EFFECTIVE OCTOBER 1, 2008. (\$1,142,588.50)**
- 4.11 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID RECOMMENDATION FOR THE "PINE ISLAND RIDGE LIGHTING CONDUIT AND PULL BOX INSTALLATION." (\$168,866; Metro Contractors, Inc.)**

- 4.12 **AGREEMENT AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE AMENDMENT #1 TO SUPPLEMENT NO. DAVE-080204 TO THE AGREEMENT FOR H.T.E., INC. SOFTWARE LICENSE AND SERVICE.
- 4.13 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO RATIFY THE AGREEMENT BETWEEN THE TOWN OF DAVIE COMMUNITY REDEVELOPMENT AGENCY AND CRAVEN THOMPSON & ASSOCIATES, INC. TO PROVIDE ENGINEERING SERVICES TO DESIGN AND PROVIDE CONSTRUCTION OBSERVATION FOR A PARKING LOT ON LOTS 1 AND 2 OF WHITE PARK SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 48, PAGE 42 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE RESOLUTION, AND PROVIDING FOR AN EFFECTIVE DATE. (\$29,800)
- 4.14 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA TO ENTER INTO A CONTRACT AGREEMENT WITH QUALITY ROOFING OF FLORIDA, INCORPORATED FOR THE REPLACEMENT OF THE PREFABRICATED METAL ROOF AT THE BERGERON RODEO GROUNDS. (\$599,000)
- 4.15 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH KOOL PLAYGROUND, LLC TO SUPPLY AND INSTALL AN INCLUSIVE PLAYGROUND AT PINE ISLAND PARK. (\$178,589.63)
- 4.16 **BID RENEWAL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE RENEWAL OF THE BID AWARDED BY THE CITY OF TAMARAC FOR QUICKLIME FOR WATER TREATMENT, SOUTHEAST FLORIDA COOPERATIVE PURCHASING GROUP BID #06-33B, TO CHEMICAL LIME COMPANY OF ALABAMA, INC. (\$266,000)
- 4.17 **CHARTER AMENDMENTS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE TOWN OF DAVIE CHARTER AMENDMENT BALLOT QUESTIONS LANGUAGE.
- 4.18 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF A CODE COMPLIANCE LIEN IN CASE NO. 07-1368 FROM \$70,500.00 IN AMOUNT TO \$18,000.00; AND PROVIDING AN EFFECTIVE DATE.

- 4.19 **DESIGN VARIATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DESIGN VARIATION (DV 9-1-08) WITHIN THE RAC-ND2 ZONING DISTRICT PURSUANT TO SECTION 12-32.523 OF THE LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE.**

Quasi-Judicial Consent Agenda

- 4.20 SP 6-9-06, West Oak Estates, 1900 SW 145 Avenue (R-1) (tabled from October 15, 2008) *Site Plan Committee recommended approval based on the "Planning Department comments" and the following: to delete the Pigeon Plum trees and replace them with Live Oak 14- to 16-foot; substitute Silver Buttonwood shrubs with Green Buttonwood shrubs; in the cul-de-sac circle, install one 20-foot Oak with ferns below so there would be no sod; on the specified light fixture, they are to be replaced with fixtures that are compatible with the rural lifestyle ordinance and could be similar to the FPL colonial style as long as the light does not shine upward; and that the roads, sidewalks, swales and street trees would all be installed before the first Certificate of Occupancy*

Councilmember Caletka pulled items 4.9, 4.18 and 4.20 from the Consent Agenda. Councilmember Starkey pulled items 4.7, 4.8, 4.15 and 4.19. Mayor Truex pulled item 4.21.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the Consent Agenda, less items 4.7, 4.8, 4.9, 4.15, 4.18, 4.19, 4.20, & 4.21. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.7 Councilmember Starkey wanted everyone to be aware that the Town was getting value from their lobbyist services and added that the Town's lobbyists had done an exemplary job for over 11 years. Mr. Shimun advised that the lobbyists could provide additional assistance with local and/or federal issues, if desired.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.8 Councilmember Starkey stated that she was not pleased with this firm's work and could not support renewing this agreement.

Councilmember Starkey made a motion to deny. Motion died for lack of a second.

Councilmember Crowley disagreed with Councilmember Starkey and said that he was very satisfied with this consultant.

Councilmember Crowley made a motion, seconded by Councilmember Caletka, to approve.

Councilmember Caletka acknowledged that he had hired this individual to work on his campaign. Mayor Truex had no problem with the consultant's performance, but wanted future contracts to include the prohibition against consultants working for or representing a Councilmember.

Councilmember Crowley agreed to amend his motion to add the caveat that the consultant could not consult for an individual Councilmember. Councilmember Caletka agreed to second this amendment. In a voice vote, all voted in favor. (Motion carried 5-0)

4.9 Councilmember Caletka referred to the breakdown describing the reasons for the 4.7% contract increase, and noted that this was more than the 3% Council usually granted. Mr. Shimun responded that staff had negotiated this cost of living increase with the company.

Councilmember Caletka made a motion, seconded by Councilmember Crowley, to approve the contract with a 3% cost adjustment.

Aubrey Felton, representing First Vehicle Services, informed Council that a 3% increase would not cover their costs. He explained that 100% of any savings in labor costs would come back to the Town at the end of the year. In the past year, they were over their estimated labor costs by approximately \$1,500, which meant they could not offer merit or cost of living increases to their employees. He explained they needed the 4.7% to cover the actual costs of the contract. Mayor Truex recalled how pleased the Town was with the company's performance.

Mr. Shimun confirmed that this was the procedure used to determine costs, and he was comfortable with the figures the company provided. He believed the Town was getting its money's worth.

Mr. Felton informed Councilmember Crowley that 9 of the company's 14 employees on the contract were mechanics, not managers. He stated that technicians of this caliber were difficult to come by and their mechanics were compensated well.

In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Luis - no; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - no. (Motion failed 2-3)

Vice-Mayor Luis made a motion, seconded by Councilmember Starkey, to approve as presented. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion passed 4-1)

4.15 Shirley Munson said that this issue was first proposed in the fall 2002 and asked Council to approve the bid for this worthy project. She remarked on the lack of play equipment for special needs children at the park on Hiatus Road and SW 26 Street and suggested that the requirement for such equipment be included in future projects.

Stephanie Munson informed Council that there were six million special needs children who could not use standard playground equipment. She asked Council to set an example by providing playground equipment for special needs children and their parents. Councilmember Starkey wished to add this to the Town's playground specifications.

Councilmember Crowley supported the Munsons' suggestion.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey made a motion, seconded by Vice-Mayor Luis, to include language that would be included with bid specifications for future parks, as well as looking at retrofitting play equipment for existing parks when going out to bid for those equipment and then phasing those in. The smaller playgrounds, at a minimum, should have language to include a swing area and accessibility.

Mayor Truex asked Mr. Shimun to determine the best way to implement this.

Public Works Director Manny Diez reminded Council that there was a capital project to replace equipment at four playgrounds this year that he would need to amend for the additional equipment if they approved this.

In a voice vote, all voted in favor. (Motion carried 5-0)

4.18 Councilmember Caletka was disappointed with the dollar amount for the mitigation, which he wanted to raise to \$35,200. Mayor Truex wanted to keep the \$44,000 specified in the guidelines. Councilmember Starkey opposed the mitigation and favored taking a stronger approach and increasing fines for lack of maintenance on foreclosed properties.

Councilmember Caletka made a motion, seconded by Councilmember Crowley, to accept the \$44,015.98.

Christopher Tello, realtor for Countrywide Home Loans, explained that it could be months by the time a realtor was advised of Code issues at a foreclosed property. Regarding this property, he said that he had the property up and running within three weeks of Countrywide's notification. Mr. Tello added that the prospective buyer was very interested and involved, but imposing the entire lien could jeopardize the sale.

Vice-Mayor Luis agreed that the Town would not be served if the deal fell through because they asked for a higher fine.

Mayor Truex remembered toughening up the guidelines for the liens, and thought these should be adhered to unless circumstances were "dramatically out of the ordinary." He did not believe that was the case here.

In a voice vote, with Vice-Mayor Luis dissenting, all voted in favor. (Motion carried 4-1)

4.19 Planning and Zoning Manager David Quigley described the need for the design variation. He explained to Councilmember Starkey that in this instance, applying for a variance on a case-by-case basis would work best and advised that there had been no objections from residents. Mr. Quigley remarked that because the design elements were so detailed, it was more difficult to retrofit them to existing properties. Mr. Rayson said that what was being proposed was provided for in the Land Development Code.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.20 Mr. Rayson swore in witnesses. Planning & Zoning Acting Deputy Manager David Abramson summarized the staff report.

Gus Aguirre, representing the applicant, said that they had re-advertised and had met with residents of the surrounding community to discuss their concerns. One concern was security regarding the roadway abutting backyards, so Mr. Aguirre had proposed installing a six-foot chain-link security fence and a hedge. He also had informed the

residents that the road's location was recommended by the Town's Engineering Department.

Vice-Mayor Luis advised that he had spoken with some residents, who were hiring an attorney to represent them in this matter [November 19, 2008].

Vice-Mayor Luis made a motion, seconded by Councilmember Crowley, to table this item until the residents could return with representation.

Mr. Rayson believed it was possible to stop hearing the item now, but explained it would be an adjournment, not a tabling. He added that Council would later resume the hearing at this point.

Mr. Aguirre pointed out that this item had first been on Council's August 20, 2008 agenda. He felt the residents already had plenty of time to consult with an attorney, if they desired.

Councilmember Crowley said that he favored tabling the item to Council's next meeting but no longer. Vice-Mayor Luis clarified that this was the intent of his motion, and Councilmember Crowley seconded the amended motion.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion passed 5-0)

4.21 Program Manager Susan Dean advised that Broward County had called to inform her the Town would have two busses until January 29, 2009. She noted that ridership must increase to ten per hour to avoid a problem next October.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. Councilmember Crowley thanked the County Commission for reconsidering. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex said that he had understood in June that some of the proceeds the Town received from the County for their recycling efforts would help fund recycling in the park, but this was not the case. He wanted to move forward with the program at Bamford Park. Ms. Dean advised that there was a grant for which she would apply that would provide funds for containers and maintenance. Council agreed to direct staff to apply for the grant and move forward with the recycling program.

6. PUBLIC HEARING

Ordinances - Second and Final Reading

- 6.1 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY ADDING A NEW ARTICLE II TO CHAPTER 18 OF THE TOWN CODE ENTITLED "MOTOR VEHICLE ACCIDENT AND INCIDENT FEES"; AUTHORIZING THE TOWN TO IMPOSE SERVICE FEES OR CHARGES FOR THE DEPLOYMENT OF PUBLIC SAFETY SERVICES RENDERED BY THE TOWN OF DAVIE FOR MOTOR VEHICLE ACCIDENTS AND INCIDENTS; PROVIDING THAT SUCH FEES AND CHARGES SHALL BE ESTABLISHED OR MODIFIED FROM TIME TO TIME BY RESOLUTION OF THE TOWN COUNCIL; PROVIDING FOR THE**

REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; INCORPORATION INTO THE CODE OF ORDINANCES OF THE TOWN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from October 15, 2008) **{Approved on First Reading September 17, 2008. The vote was as follows: Mayor Truex - no; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - yes; Councilmember Starkey - yes}** [see related item 8.1]

Mr. Rayson read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Jeff Goins advised that he had sent a letter to Council stating his objection to this. He felt that life safety services should be provided to Town taxpayers, visitors and guests. Mr. Goins believed this was an attempt to “put lipstick” on a tax. He also felt that since the decision was pending, both sides of the issue should be represented on the Town’s website.

Karen Stenzel-Nowicki remembered voicing concern that the fee revenue had been included in the Town’s budget before Council approved the fee. She suggested that in the future, Council should wait at least a year to determine what revenue a policy would generate before including it in the budget.

As no one else spoke, Mayor Truex closed the public hearing portion of the meeting.

Vice-Mayor Luis said that if Council did not pass this, they would be forced to raise taxes. He felt the Town was unique in the expenses it incurred from accidents. Vice-Mayor Luis stated that there were aspects of the proposal that he found unpalatable. If fault was not determined, he did not want anyone charged. Vice-Mayor Luis thought imposing the fee on someone convicted of a crime was no longer cost recovery; it was punitive. Without those two provisions, Vice-Mayor Luis said that he would support it. Mr. Rayson explained that charging a driver convicted of a crime would apply only to criminal traffic events.

Councilmember Starkey thought the Town could have done a better job of informing the residents of the intent of this fee and how it would be implemented.

Mayor Truex thought this draft was an improvement, but still did not support it. He agreed with Mr. Goins that the website information should not be so one-sided.

Vice-Mayor Luis made a motion, seconded by Councilmember Crowley, to approve including the changes he had recommended: in the case of a no-fault accident, the Town should not put citizens through the paperwork and problems that would cause, so that should be removed. He also wanted to remove the language regarding drivers convicted of a crime.

Vice-Mayor Luis said that he had made these suggestions based on conversations with residents.

Councilmember Crowley wanted the language concerning drivers convicted of a crime to be more specific. Mr. Rayson agreed to change the language to specify that the fee would apply to a “criminal traffic offense.” Vice-Mayor Luis and Councilmember Crowley accepted this amendment.

In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - yes; Councilmember Starkey - no. (Motion failed 2-3)

Councilmember Caletka made a motion, seconded by Mayor Truex, to deny.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - no; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion passed 4-1)

Mayor Truex advised that companion item 8.1 should be withdrawn.

- 6.2 **ADOPTION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR ADOPTION TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA(TXT) 9-1-08, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY UPDATING THE CAPITAL IMPROVEMENTS ELEMENT WITH THE ADOPTED 5-YEAR CAPITAL PROJECTS PROGRAM FOR FY 2008-2012 PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR FILING WITH THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading October 15, 2008. All voted in favor.}**

This item was tabled earlier in the meeting.

Ordinances - First Reading (Second and Final Reading to be held November 19, 2008)

- 6.3 **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION APPLICATION VA 11-1-06 "OAK HOLLOW" VACATING PORTIONS OF RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 11-1-06, Oak Hollow, 3700 SW 136 Avenue) (tabled from October 15, 2008)**

This item was withdrawn earlier in the meeting.

- 6.4 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CREATING CHAPTER __, ARTICLE __. LODGING OUT-OF-DOORS, SECTION __ TO PROHIBIT USING PUBLIC OR PRIVATE PLACES OUT-OF-DOORS FOR LODGING PURPOSES; SETTING FORTH FINDINGS AS TO INTENT AND PURPOSE; PROVIDING FOR THE SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing on the ordinance would be held on November 19, 2008.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Mayor Truex recalled litigation some time ago which indicated that ordinances such as this were not legal. Mr. Rayson said that the Assistant Town Attorney who had drafted the ordinance had taken every measure he could think of to keep the ordinance within constitutional enforcement and Mr. Rayson believed it was within the constitutional police power of the Town.

Councilmember Starkey requested clarification of a portion of the ordinance. Mr. Rayson related that this was part of a checklist that a police officer must complete to determine the ordinance was being violated.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

6.5 **BUDGET AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE ESTIMATED REVENUES AND APPROPRIATIONS FOR FISCAL YEAR 2009. (not budgeted)**

Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing on the ordinance would be held on November 19, 2008.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Starkey asked staff to explain why these improvements now should be added. Budget & Finance Director Bill Ackerman explained this was not a use of General Fund money; it was strictly use of reserves. Councilmember Starkey did not want to use funds from building reserves, but approved the use of police impact fees that had been budgeted.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - no. (Motion passed 4-1)

7. APPOINTMENTS

Councilmember Caletka appointed Nancy Hernandez to the Mobile Home Task force to replace one of his appointees who had resigned.

7.1 Mayor Truex

7.1.1 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2010) (members shall be a minimum 60 years of age)

Mayor Truex appointed Bill Liebowitz.

7.1.2 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters,

child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

7.2 Vice-Mayor Luis

7.2.1 Open Space Advisory Committee Agency (one exclusive - term expires April 2010)

No appointment was made.

7.3 Councilmember Starkey

7.3.1 Open Space Advisory Committee Agency (one exclusive appointment- term expires April 2010)

No appointment was made.

7.3.2 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

7.4 Unsafe Structures Board (one non-exclusive appointment; term expires April 2009) (appointment shall be a plumbing contractor - member shall be a permanent resident or have their principal place of business within the Town's jurisdiction)

No appointment was made.

7.5 National League of Cities (Voting Delegate)

Councilmember Starkey advised that that she was not available from November 11 - 15, so she was unable to be the delegate. Vice-Mayor Luis said that he was unavailable as well.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve Councilmember Crowley as voting delegate. In a voice vote, with Councilmember Crowley out of the room, all voted in favor. (Motion carried 4-0; Councilmember Crowley declined his nomination later in the meeting.)

Mr. Shimun expressed an interest in attending, but Councilmember Starkey thought the delegate must be an elected official.

Councilmember Starkey made a motion, seconded by Mayor Truex, to allow Mr. Shimun to attend and serve as voting delegate, if permitted. In a voice vote, all voted in favor. (Motion carried 5-0)

8. OLD BUSINESS

8.1 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER**

INTO AN AGREEMENT WITH COST RECOVERY CORPORATION
(CRC), TO PROVIDE ACCIDENT COST RECOVERY SERVICES.
(tabled from October 15, 2008) [see related item 6.1]

This item was withdrawn earlier in the meeting.

9. NEW BUSINESS

9.1 Town Administrator's Annual Evaluation

Mayor Truex and Councilmember Starkey agreed to set up appointments with Mr. Shimun to discuss their evaluations.

9.2 District 1 Vacancy - Process and Selection

Councilmember Crowley proposed accepting resumes and hearing presentations at the December 3, 2008 Council meeting.

Councilmember Crowley made a motion, seconded by Mayor Truex, to direct staff to send notice out to invite applications, letters of interest or resumes, and to present these to Council on December 3, 2008. Mayor Truex recommended specifying a deadline, and Council agreed on Monday, December 1, 2008. In a voice vote, all voted in favor. (Motion carried 5-0)

10. SCHEDULE OF NEXT MEETING

11. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER CALETKA

THANKS. Councilmember Caletka thanked the residents for allowing him to serve.

COUNCILMEMBER CROWLEY

THANKS. Councilmember Crowley thanked Councilmember Caletka for his service to the Town.

COUNCILMEMBER STARKEY

NAMING OF MATH IGLER. Councilmember Starkey was looking forward to the naming of the Math Iglar property, and asked that this be included on Council's next agenda.

JACK HARDY. Councilmember Starkey said that Jack Hardy had died as a result of an accident and his wife was still recovering from the accident. Councilmember Starkey announced that a memorial service would be held at the Signature Grand on Monday November 10th. Council observed a moment of silence in honor of Mr. Hardy.

VICE-MAYOR LUIS

TRAFFIC CALMING ON SHOTGUN ROAD. Vice-Mayor Luis asked Mr. Shimun if something could be done to calm traffic on Shotgun Road.

SHENANDOAH RESTROOMS. Vice-Mayor Luis had met with some residents regarding the Shenandoah restrooms. Residents complained about the odors in the area from people relieving themselves in the park, since the restrooms were locked. Mr. Diez reminded Council that those restroom closings were part of the budget cuts last year.

MAYOR TRUEX

JACK HARDY. Mayor Truex sent his condolences to Mr. Hardy's family.

THANKS. Mayor Truex thanked Councilmember Caletka for his service on the Council.

REDEDICATION OF VETERANS PARK. Mayor Truex announced the rededication of Veterans Park on Saturday November 15th.

12. TOWN ADMINISTRATOR'S COMMENTS

FEBRUARY COUNCIL MEETING. Mr. Shimun requested that Fire Chief Joe Montopoli take his place at the Council meeting so he could attend the Florida City and County Management Association event in February 2009. Council agreed.

THANKS. Vice-Mayor Luis and Councilmember Starkey thanked Councilmember Caletka for his service on the Council.

13. TOWN ATTORNEY'S COMMENTS

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 9:54 p.m.

Approved_____

Mayor/Councilmember

Town Clerk